

SUPPORT FOR THE AMENDMENTS

Claims 33-58 were previously canceled.

Claims 11, 13, and 27 are canceled herein.

Claims 1 and 15 has been amended.

The amendment to Claims 1 and 15 is supported by the original and previously presented corresponding claim. Additional support for the amendment to Claim 1 is provided by previously presented Claim 11.

No new matter has been added by the present amendments.

REMARKS

Claims 1-10, 12, 14-26, and 28-32 are pending in the present application.

The rejection of Claims 1-23 and 30-32 under 35 U.S.C. §112, second paragraph, is obviated by amendment.

The Examiner has now held the claims to be indefinite for three reasons:

- 1) “Irritable colon syndrome” appears to be the same as “irritable bowel syndrome”;
- 2) The term “stress loading” is unclear and relative; and
- 3) The word “entails” in the phrase “entails providing” renders the phrase unclear.

With respect to (1), “irritable colon syndrome” has been deleted from the claims.

As for (2) and (3), Applicants make no statement with respect to the propriety of the Examiner’s criticisms and in no way acquiesce to the same. Nonetheless, to expedite examination only, Claim 13 has been canceled herein.

Applicants request withdrawal of this ground of rejection.

The rejections of: (a) Claims 1-11, 13, 15-20, 22-23, 27, and 30-32 under 35 U.S.C. §102(b) over Schaefer et al, (b) Claim 12 under 35 U.S.C. §103(a) over Schaefer et al, and (c) Claims 1-17, 20-23, 27, and 30-32 under 35 U.S.C. §103(a) over Chen et al in view of Pitman are obviated by amendment.

Applicants continue to disagree with the Examiner’s allegations and conclusions as to anticipation and obviousness for the reasons of record, which were most recently presented in the response filed on February 21, 2008. Applicants in no way acquiesce to the Examiner’s rejections and allegations set forth in the Office Action mailed May 15, 2008. Nonetheless, to expedite examination of this application only “anxiety disorders” have been deleted from

the claims. Accordingly, the disclosures of Schaefer et al and Chen et al in view of Pitman no longer affect the patentability of the claimed invention.

Withdrawal of these grounds of rejection is requested.

The rejections of (a) Claims 1-3, 13, 15, 20, 21, 23, and 30-32 under 35 U.S.C. §102(b) over Niebes et al and (b) Claims 1, 2, 4, 5, 13, 15-23, and 30-32 under 35 U.S.C. §102(b) over Krnjevic are obviated by amendment.

The Examiner has now issued two new rejections over Niebes et al and Krnjevic. It is notable that both of these rejections are specifically related to treatment of *gastric ulcers* by administering lysine or a salt thereof. Based on this rejection, the Examiner has clearly and minimally withdrawn the election of species requirement mailed September 25, 2006, to at least the extent that the claims read on treating gastric ulcers.

With respect to the claims as presented hereinabove and the allegations raised by the Examiner that Niebes et al and Krnjevic anticipate the claimed method wherein said method is for treating gastric ulcers, Applicants make no statement with respect to the propriety of these assertions and in no way acquiesce to the same. Nonetheless, solely to expedite examination, Applicants have amended Claim 1 to include the limitations of Claim 11, which the Examiner recognizes as being free of the disclosures of Niebes et al and Krnjevic.

Withdrawal of these grounds of rejection is requested.

Applicants submit that the present application is now in condition for allowance.

Early notification of such action is earnestly solicited.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,  
MAIER & NEUSTADT, P.C.



Stephen G. Baxter, Ph.D.  
Registration No. 32,884

Customer Number

**22850**

Tel: (703) 413-3000  
Fax: (703) 413-2220  
(OSMMN 08/03)

Vincent K. Shier, Ph.D.  
Registration No. 50,552